

06-15-01

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**PATENT APPLICATION**

Docket No: 11021US07 / 100-238.C3



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(b)**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR §1.53 for filing a

- ☒ continuation application.
- ☐ divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/365,539

U.S. Filing Date: August 2, 1999

International Filing Date:

Title: ANTI-FUNGAL PEPTIDES

Art Unit: 1653

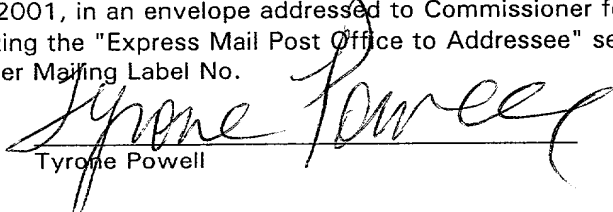
Examiner: Robinson, H.

Prior Docket No.: 11021US05 / 100-238.C2

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**CERTIFICATION UNDER 37 CFR §1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR §1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service, postage prepaid, on June 14, 2001, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL 849010075US

  
Tyronne Powell

**2. This request is filed by:**

<b>1.</b> Full Name of Inventor	Family Name Little, II	First Given Name Roger	Second Given Name G.
Residence & Citizenship	City Benicia	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 620 Rose Drive	City Genicia	State & Zip Code/Country California, 94510
<b>2.</b> Full Name of Inventor	Family Name Lim	First Given Name Edward	Second Given Name
Residence & Citizenship	City Walnut Creek	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 1480 Creekside Drive Apt. #A-302	City Walnut Creek	State & Zip Code/Country California, 94956
<b>3.</b> Full Name of Inventor	Family Name Fadem	First Given Name Mitchell	Second Given Name B.
Residence & Citizenship	City Carmel Valley	State or Foreign Country California	Country of Citizenship United States
Post Office Address	Post Office Address 8 Miramonte Road	City Carmel Valley	State & Zip Code/Country California, 93924

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. **Amendments**

- ☒ Amend the first sentence of the specification after "This is" by inserting:
  - a **Continuation** of U.S. Application No. 09/365,539 filed August 2, 1999 which is an **Continuation** of U.S. Application No. 09/119,858 filed July 21, 1998, both of which are herein incorporated by reference, and --.
- ☐ Cancel claims in the prior application before calculating the filing fee.
- ☐ A Preliminary Amendment is enclosed.
- ☐ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. **Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with Sequence Listing), formal drawings, and a Request to Use Computer Readable Form from Another Application.

5. **Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. **Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC §119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. Application No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

## 7. Assignment

- ☒ The prior application is assigned of record to XOMA Corporation, and has been recorded at Reel No. 8617, Frame No. 0427-0431 (5 pages).

## 8. Small Entity Status

- ☐ Verified statement(s) claiming small entity status is(are) attached.
- ☒ Small entity status has been established in the prior application and is still proper and desired.

## 9. Fee Calculation

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355.00		\$710.00
TOTAL	21 -20	1	x 9 =	\$9.00	X 18	\$
INDEP.	5 - 3	2	x 40 =	\$80.00	X 80	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135	\$135.00	+ 270 =	\$
Filing Fee:				\$579.00	OR	\$

## 10. Method of Payment of Fees

- ☒ Attached is a check in the amount of: \$ 355.00
- ☐ Charge Deposit Account No. 13-0017 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.
- ☐ This continuation application is being filed without a fee.

**11. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees, other than the application filing fee, which may be required during the pendency of this application under 37 CFR §1.16 or 37 CFR §1.17 to Deposit Account No. 13-0017. Please refund any overpayment to McAndrews, Held & Malloy, Ltd. at the address below.

Please direct all future communications to:

**Janet M. McNicholas, Ph.D.**  
**McAndrews, Held & Malloy, Ltd.**  
**500 W. Madison Street, 34<sup>th</sup> Floor**  
**Chicago, Illinois 60661**

Respectfully submitted,

McANDREWS, HELD & MALLOY, Ltd.  
500 W. Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
(312) 775 8000  
(312) 775 8100 (Telefacsimile)

Dated: June 14, 2001

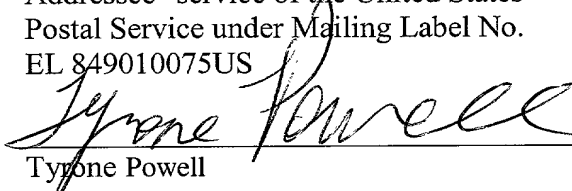
By:



Janet M. McNicholas, Ph.D.  
Reg. No. 32,918

Michael B. Harlin  
Reg. No. 43,658

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:	)	<u>Certification Under 37 CFR §1.10.</u>
	)	
Roger G. Little II	)	I hereby certify that this paper is being
Edward Lim	)	deposited with the United States Postal
Mitchell B. Fadem	)	Service, postage prepaid, on June 14, 2001,
	)	in an envelope addressed to Commissioner
Serial No.: Not yet assigned	)	for Patents, Washington, D.C. 20231
	)	utilizing the "Express Mail Post Office to
Filed: Herewith	)	Addressee" service of the United States
	)	Postal Service under Mailing Label No.
For: ANTI-FUNGAL PEPTIDES	)	EL 849010075US
	)	
Examiner: Not yet assigned	)	Tyronne Powell
	)	
Group Art Unit: Not yet assigned	)	
	)	

**REQUEST TO USE COMPUTER READABLE  
FORM FROM ANOTHER APPLICATION**

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants request entry of the identical computer readable form from a related application. Specifically, the computer-readable form of the Sequence Listing in the above-identified application is identical to that in Application Serial No. 09/119,858, filed July 21, 1998. In accordance with 37 C.F.R. §1.821(e), please use the only computer-readable form of the Sequence Listing filed in that application as the computer-readable form in the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer-readable form of the Sequence

Listing that will be used in the instant application. A paper copy of the Sequence Listing, identical to the originally-filed specification of the instant application.

Respectfully submitted,

June 14, 2001

By: Michael B. Harlin  
Janet M. McNicholas, Ph.D.  
Reg. No. 32,918

Michael B. Harlin  
Reg. No. 43,658

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